



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/318,630	05/26/99	NAITO	K 35.C13542

005514 WM01/0110  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

EXAMINER	
ART UNIT	PAPER NUMBER
HAVAN, T	2672

DATE MAILED: 01/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/318,630

Applicant(s)

NAITO ET AL.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 26 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-10 and 16-26 is/are allowed.
- 6) ☐ Claim(s) 11-15 and 27-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Drawings*

The drawings in this application are approved by the Draftsperson.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 and 27-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (US patent no. 5,982,891).

1. As to claims 11, 14-15, and 27-28, the prior art Ginter had:

A.) A data-supplying apparatus comprising; (1) storage means for storing and managing data and data control information and (2) registration means for registering the data and the data control information in the storage means (col. 3, lines 49-67; col. 4, lines 1-46). Ginter teaches the storage means for managing and controlling information when he discloses the information storage. The information storage stores all the secure transactions of the users. As for registering the data in the storage, Ginter teaches the authorizing of the information only in a secure method. Therefore, users have to register the information then the data is registered in the secured and protected system.

B.) The step of data control information providing means responsive to a data distribution request for extracting the data control information corresponding to the data and adding the data control information to the data, wherein in response to the data distribution request, the data and the corresponding data control information are distributed (**col. 3, lines 20-48; col. 4, lines 47-67; col. 5, lines 1-48**). Ginter teaches the extracting of the data control information when he discloses the VDE system is configurable, modifiable, and re-usable. Since the VDE system is modifiable then it is extracting information to be modified in a secure method. Once the secure information is extracted then it is distributed to the users or any potential users.

C.) The data processing method comprising an extracting step of extracting data control information from data provided with the data control information to be used for restricting various processes (**col. 4, lines 47-67; col. 5, lines 1-48; col. 6, lines 17-31**). The reasoning of the extracting step is stated above, in part B. As for the restricting various processes, Ginter discloses the VDE securely administers transactions to specific users. Furthermore, only specific users are allowed to access particular part of the restricted information.

However, Ginter fails to explicitly teach a display step of displaying a process function to be restricted in accordance with the control information extracted by the extracting step. Nevertheless, Ginter teaches the VDE system as restricting various process of information to be accessed by the users. Once a user selected a particular applications or graphics and fulfilled the required information then those information are displayed to other users in the restricted process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display step of displaying a process function to be restricted in accordance with the control information extracted by the extracting step because Ginter teaches the displaying of the

Art Unit: 2672

various process of the restricted information (**col. 4, lines 47-67; col. 5, lines 1-48; col. 9, lines 3-32**).

2. As to claims 30, 38, 47, and 50, Ginter discloses a data supplying comprising distributing means responsive to a data distribution request for distributing data and control information for restricting various processes to be performed for the data at a plurality of levels, to distribution requesting side (**col. 6, lines 45-67; col. 7, lines 21-30**). Ginter teaches the step of restricting various processes to be performed for the data at a plurality of levels when he discloses the electronic information can easily combine selected building blocks to create a rights application that is unique to a specific content distribution model. Ginter's invention also provides electronic control information for a wide variety of different levels of information.

3. As to claim 12, Ginter discloses the data control information includes copyright information and a process inhibition code based on the copyright information (**col. 2, lines 36-67**).

4. As to claims 13, 29, and 37, Ginter discloses the data is image data (**col. 1, lines 55-66**). Ginter's invention incorporated a graphic; therefore a graphic is an image data.

5. As to claim 31, Ginter discloses the step of checking the presence/absence of the control information (**col. 7, lines 3-33**). The control information in Ginter teaches the checking of appropriate level or type for many applications and users.

6. The limitations of claims 32-36, 39-46, 48-49, and 51-56 are analyzed as discussed with respect to claims 11, 14-15, 27-28, 30, 38, 47, and 50 above.

### **Allowable Subject Matter**

Claims 1-10 and 16-26 are allowed.

The following is an examiner's statement of reasons for allowance: Examiner searching for the control means inhibits to execute an inhibited process in accordance with the data control information extracted from the data and controls the display means to change a display style of the process function of each of the various processes to an inhibition display style, in combination with the other elements of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record. The dependent claims being further limiting to the independent claim, definite, and enabled by the Specification are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martens et al., US Patent No. 5,983,251

Rhoads, US Patent No. 5,768,426

Fischer, US Patent No. 5,390,247

### Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5359 for regular communications and (703)308-5359 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9500.

Thu-Thao Havan

December 29, 2000



**MATTHEW LUU**  
**PRIMARY EXAMINER**